

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Wurtzel	Team: Squad #2	CCRB Case #: 201608055	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/16/2016 2:15 PM	Location of Incident: 791 Bruckner Boulevard	Precinct: 41	18 Mo. SOL 3/16/2018	EO SOL 3/16/2018	
Date/Time CV Reported Fri, 09/16/2016 10:03 PM	CV Reported At: CCRB	How CV Reported: E-mail	Date/Time Received at CCRB Fri, 09/16/2016 10:03 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Angel Andujar	11969	941348	041 PCT
2. POM Kyle Oleary	09033	953198	041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. CPT Charles Girven	00000	893101	041 PCT
2. POM Richard Suriel	13059	932120	041 PCT
3. SGT Alberto Acevedo	1047	944303	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Kyle Oleary	Abuse: Police Officer Kyle O'Leary refused to provide his name and shield number to § 87(2)(b)	
B.POM Angel Andujar	Abuse: Police Officer Angel Andujar refused to provide his name and shield number to § 87(2)(b)	

Case Summary

On September 16, 2016, § 87(2)(b) filed this complaint with the CCRB via email (Board Review 01).

On September 16, 2016, at approximately 2:15 p.m., § 87(2)(b) was double parked outside of 791 Bruckner Boulevard in the Bronx, while waiting to get her vehicle serviced at a repair shop. At this time, Captain Charles Girven of the 41st Precinct arrived to issue § 87(2)(b) two summonses for § 87(2)(b). Police Officer Richard Suriel and Sergeant Alberto Acevedo of the 41st Precinct arrived during this time to give Captain Girven summonses and all three officers verbally provided their names to § 87(2)(b) upon request.

Police Officers Kyle O’Leary and Angel Andujar of the 41st Precinct arrived shortly after and § 87(2)(b) approached them and asked for their names and shield numbers. Police Officer O’Leary ordered § 87(2)(b) to return to her vehicle and allegedly did not provide his name and shield number (**Allegation A**). Police Officer Andujar allegedly told Police Officer O’Leary not to provide his name and shield number and did not provide his own name and shield number (**Allegation B**). § 87(2)(b) was released after being issued the summonses (Board Review 02).

Field work was conducted at the incident location but no video was found for this incident.

Mediation, Civil and Criminal Histories

§ 87(2)(b) rejected mediation for this case, § 87(2)(b) process. § 87(2)(b) has not filed a Notice of Claim with the Comptroller’s Office of the City of New York as of October 24, 2016 (Board Review 03). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b) has filed one prior complaint with the CCRB (Board Review 05).
 - § 87(2)(b)
- Police Officer O’Leary has been a member of the NYPD for four years and has no prior CCRB allegations against him.
- Police Officer Andujar has been a member of the NYPD for ten years and has one prior CCRB allegation filed against him. § 87(2)(g)

Potential Issues

§ 87(2)(g)

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Kyle O’Leary refused to provide his name and shield number to § 87(2)(b)

Allegation B – Abuse of Authority: Police Officer Angel Andujar refused to provide his name and shield number to § 87(2)(b)

On September 16, 2016, § 87(2)(b) filed this complaint via email with the CCRB (Board Review 01). On September 21, 2016, § 87(2)(b) was interviewed at the CCRB. On October 5, 2016, § 87(2)(b) mailed an additional written statement about the incident to the CCRB (Board Review 06). On October 4, 2016, § 87(2)(b) a witness, provided a statement to the CCRB (Board Review 07). On October 6, 2016, Sergeant Acevedo was interviewed at the CCRB. On October 7, 2016, Police Officer Suriel was interviewed at the CCRB. On October 14, 2016, Police Officer O’Leary was interviewed at the CCRB. On October 19, 2016, Police Officer Andujar was interviewed at the CCRB.

§ 87(2)(b) stated that she perceived Captain Girven’s decision to issue her a parking violation as harassment and resolved to record the names of all officers involved in the incident. § 87(2)(b) asked Captain Girven, Sergeant Acevedo, and Police Officer Suriel for their names and this information was provided to her. § 87(2)(b) approached Police Officers O’Leary and Andujar as they arrived at the location and was standing outside of their vehicle as they exited. § 87(2)(b) asked Police Officer O’Leary for his name and he allegedly replied by instructing § 87(2)(b) to return to her vehicle. § 87(2)(b) asked Police Officer Andujar for his name and he allegedly did not reply to her request and instructed Police Officer O’Leary not to provide his own information. § 87(2)(b) then returned to her vehicle to wait for the issuance of the summonses.

§ 87(2)(b) § 87(2)(b), stated that he observed § 87(2)(b) encounter with the officers while driving a vehicle into his shop. § 87(2)(b) stated that § 87(2)(b) was highly irate, speaking to the officers in a raised voice, and asking them why she was being issued a summons. § 87(2)(b) was animated and appeared unwilling to listen when the officers attempted to speak to her. § 87(2)(b) did not hear § 87(2)(b) ask any of the officers for their names or shield numbers.

Police Officer O’Leary stated that § 87(2)(b) approached him after he had already exited his vehicle and joined Captain Girven next to Sergeant Acevedo’s vehicle. § 87(2)(b) was walking in the general direction of the group of officers and speaking in a raised voice. Police Officer O’Leary could not determine what she was saying. Police Officer O’Leary ordered § 87(2)(b) to return to her vehicle and she complied.

Police Officer Andujar, like Police Officer O’Leary, stated that § 87(2)(b) approached them while they were present at the location and that she did so after he and his partner had joined the other officers. Both officers denied hearing § 87(2)(b) ask for their name and shield numbers and both officers denied volunteering this information to her. Both officers stated that § 87(2)(b)

§ 87(2)(b) did not approach them at any other time or speak to them directly or individually during this incident.

Sergeant Acevedo could not recall whether § 87(2)(b) ever approached Police Officers Andujar and O’Leary and did not know whether there was any verbal interaction between her and those officers. Sergeant Acevedo recalled that § 87(2)(b) appeared agitated and was talking loudly throughout the incident but could not recall whether § 87(2)(b) was ever given instructions to return to her vehicle.

Police Officer Suriel walked to the nearby 41st Precinct stationhouse to look for additional summonses to give to Captain Girven and was away from the incident location when Police Officers O’Leary and Andujar arrived. Police Officer Suriel did not hear § 87(2)(b) ask the officers for their information or hear the officers volunteer this information to her while he was present. He described § 87(2)(b) as “very irate, she was screaming and yelling towards all of us,” and that he “couldn’t make out” what she was saying throughout the incident.

§ 87(2)(g) .

Squad: 2

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date